

## PLANNING COMMISSION AGENDA REPORT

**MEETING DATE: OCTOBER 10, 2005** 

SUBJECT:

ONE-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-04-17

**1992 ANAHEIM AVENUE** 

DATE:

**SEPTEMBER 29, 2005** 

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754.5136

### DESCRIPTION

The applicant requests a one-year extension of time for a project approved by the Planning Commission to allow a second floor addition to a single-family residence and to construct a 2-story duplex with attached 4-car garage at the rear of the lot, as well as to allow reduced driveway width and to waive driveway parkway landscaping requirement.

### <u>APPLICANT</u>

LamTristan Nguyen is representing the property owner, Nguyen and Duong General Partnership.

### **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

Associate Planner

Asst. Development Services Director

### PLANNING APPLICATION SUMMARY

		<u> </u>	<del></del>					
Location:	1992 Anaheim Av	e. Application:	PA-04-17					
Request:	proposed), design re and to construct a n	view for a second fl ew, two-story duple	requirement (10 ft. required; 0 ft. oor addition to an existing residence x at the rear of the lot, and a minor					
	modification for driver	<u>vay wiαιπ (το π. requ</u>	uired; 12 ft. proposed)					
SUBJECT PROPERTY:  SURROUNDING PROPERTY:								
Zone:	R2-HD	North: All surrounding properties						
General Plan:	High Density Residential							
Lot Dimensions:	56.78 ft. x 194.2 ft.		are residentially zoned					
Lot Area:	56.78 ft. x 194.2 ft. East: and developed with  11,026 sq.ft. West zoning designation of R2-HD							
Existing Developme	ent: Single-family resid	ence with a single-car garage.	ZOISING GEOGRAPHIC IN RZ-HD					
DEVELOPMENT ST	FANDARD COMPARISON							
Development Stand	<u>ard</u>	Required/Allowed	Proposed/Provided					
Lot Size:		<u> </u>						
Lot Width		100 ft.	56.78 ft.*					
Lot Area		12,000 sq. ft.	11,026 sq. ft.*					
Density:								
Zone		1 du/3,000 sq. ft.	1 du/3,675 sq.ft.					
General Plan		1 du/2,178 sq.ft.	Same as above					
Building Coverage:			ound as above					
Buildings		N/A	27% (2,963 sq. ft.)					
Paving		N/A	31% (3,469 sq. ft.)					
Open Space		40% (4,410 sq. ft.)	42% (4,594 sq. ft.)					
TOTAL		100%	100% (11,026 sq. ft.)					
Rear Yard Coverage:		25 % (284 sq.ft.) max	10% (112 sq.ft.)					
Building Height:		2 stories/27 ft.	2-stories/ 25 ft. max.					
Ratio of 2 <sup>nd</sup> floor to	o 1 <sup>st</sup> floor**:	80% recommended	Front Bldg. 75% (822 sq.ft./1,090 sq.ft.) Rear Bldg. 84% (1,612 sq.ft./1,922 sq.ft.)					
Setbacks (new stru		<u> </u>	1					
	between bidgs.)	10 ft.	71 ft.					
Side (left/right)		5 ft./5 ft.	<u>Front Bldg.</u> 12 ft./4 ft.* <u>Rear Bldq.</u> 5 ft./5 ft.					
2 <sup>nd</sup> Floar Side (left/right)**		10 ft. average recommen						
Rear (1 <sup>st</sup> floor/2	nd floor)	10 ft./20 ft.	17.6 ft./20 ft.					
Parking:								
Covered		3	5					
Open		6	4					
Guest		2						
TOTAL		11 Spaces	11 Spaces					
Driveway Width:		16 ft.	12 ft.***					
Parkway Landscap		10 ft. wide/ 3 ft. min. dimer	mension 0 ft,****					
CEQA Status Exempt, Class 3								
Final Action	Planning Commission							

Existing nonconforming.
Design Guidelines
Minor Modification requested
Variance requested

Exempt, Class 3
Planning Commission

### BACKGROUND/PROJECT DESCRIPTION

On September 13, 2004, the Planning Commission approved a variance from driveway landscaping requirement (10 ft. required; 0 ft. proposed), design review for a second floor addition to an existing residence and to construct a new, two-story duplex at the rear of the lot, and a minor modification for driveway width (16 ft. required; 12 ft. proposed). Project approval is valid for one year unless building permits are obtained or the applicant requests an extension of time. Since building permits were not obtained prior to the expiration of the project, the applicant requests an extension of time.

Although building permits were not obtained prior to the one-year time limit, Code allows the final review authority (Planning Commission) to extend a planning application for successive periods of one year upon showing of good cause by the applicant. Due to family problems, the applicant was unable to obtain permits prior to the project expiration.

### **ANALYSIS**

In approving the project, Planning Commission found that the variance from driveway parkway landscaping was justified based on the relatively short length of the proposed driveway, which will reduce the visual impact the driveway will have. Also, it is an existing driveway so the view of the driveway from the street will not change as a result of the new construction. The existing 12 ft. wide driveway will provide adequate on-site circulation for the 3 units. The project still meets the residential design guidelines and all development standards for the residential zone are unchanged since this project was approved. The original staff report for the September 13, 2004, meeting is attached for reference.

### **ALTERNATIVES**

The proposed project could not be built if the requested extension of time is denied.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act.

### **CONCLUSION**

The proposed project is the same as that approved by Planning Commission last year. Applicable code sections and residential design guidelines have not changed since Planning Commission's approval. Therefore, staff recommends approval of the extension of time.

Attachments: Draft Planning Commission Resolution

Exhibit "A" - Draft Findings

Exhibit "B" - Draft Conditions of Approval

Planning Commission Agenda Report for September 13, 2004

Zoning/Location Map

**Plans** 

Letter from Applicant dated August 30, 2005

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cc: Deputy City Mgr.-Dev. Svs. Director

Acting City Attorney
Sr. Deputy City Attorney

City Engineer

Fire Protection Analyst

Staff (4) File (2)

LamTristan Nguyen 12461 Merrill St.

Garden Grove, CA 92840

File: 101005PA0417TimeExt Date: 092905 Time: 2:30 p.m.



### **RESOLUTION NO. PC-05-**

# A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A ONE-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-04-17

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by LamTristan Nguyen, representing Nguyen and Dhong General Partnership, the property owner with respect to the real property located at 1992 Anaheim Avenue, requesting approval of a variance from driveway landscaping requirement (10 ft. required; 0 ft. proposed), design review for a second floor addition to an existing residence and to construct a new, two-story duplex at the rear of the lot, and a minor modification for driveway width (16 ft. required; 12 ft. proposed), in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** a one-year time extension for Planning Application PA-04-17 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-04-17 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10<sup>th</sup> day of October, 2005.

Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA	
COUNTY OF ORANGE	)ss )

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 10, 2005, by the following votes:

AYES:

**COMMISSIONERS** 

NOES:

**COMMISSIONERS** 

ABSENT:

**COMMISSIONERS** 

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa Planning Commission

### **EXHIBIT "A"**

### **FINDINGS**

- A. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from parkway landscaping requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, the existing house precludes providing both the required minimum driveway width and driveway parkway landscaping. The original intent of the driveway landscaping was to provide visual relief for driveways serving multiple-family and common-interest developments where driveways are often longer. The shorter depth of this lot will not create a negative visual impact. The deviation granted is the minimum necessary to accommodate the proposed development and does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is located.
- B. The information presented substantially complies with section 13-29(g)(6) of the Costa Mesa Municipal Code in that the improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to the property and improvements within the neighborhood. Specifically, the minor modification for a 12 ft. wide driveway will not negatively impact on- or off-site circulation/access. The 12 ft. width will still provide adequate circulation and access for three units.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project complies with the City of Costa mesa Zoning Code and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This minor design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
- D. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - c. The project is consistent with the General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
  - e. The cumulative effects of all planning applications have been considered.

- E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- G. The rear building of this development is at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be somewhat reduced by installation of a residential sprinkler system.

### **EXHIBIT "B"**

### **CONDITIONS OF APPROVAL**

Plng. 1. This project will expire on September 13, 2006, unless building permits are obtained or the applicant requests, and is granted, an extension of time.

Project shall comply with all conditions of approval as originally approved for PA-04-17.



# **PLANNING COMMISSION** AGENDA REPORT

**MEETING DATE: SEPTEMBER 13, 2004** 

SUBJECT:

**PLANNING APPLICATION PA-04-17** 

1992 ANAHEIM AVENUE

DATE:

SEPTEMBER 2, 2004

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

### DESCRIPTION

The applicant is requesting approval of a variance from driveway landscaping requirement (10 ft. required; 0 ft. proposed); design review for a second floor addition to an existing residence; construct a new, two-story duplex at the rear of the lot; and a minor modification for driveway width (16 ft. required; 12 ft. proposed).

### **APPLICANT**

LamTristan Nguyen is representing the property owner, Nguyen and Duong General Partnership.

### **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

Associate Planner

Asst. Development Services Director

### **PLANNING APPLICATION SUMMARY**

Location:	1992 Anaheim A	ve Applica	ntion:	PA-04-17				
Request: Variance from driveway landscaping requirement (10 ft. required; 0 ft. proposed), design review for a second floor addition to an existing residence and to construct a new, two-story duplex at the rear of the lot, and a minor modification for driveway width (16 ft. required; 12 ft. proposed)								
SUBJECT PROF	<u>'ERTY:</u>	SURROUNDING PROPERTY:						
Zone: R2-HD  General Plan: High Density Residential  Lot Dimensions: 56.78 ft. x 1  Lot Area: 11,026 sq. f  Existing Development: Single-family residential			North: South: East: West: ar garage.	All surrounding properties are residentially zoned and developed with zoning designation of R2-HD				
DEVELOPMENT STANDARD COMPARISON								
Development Standard		Required/Allowed		Proposed/Provided				
Lot Size:								
Lot Width		100 f	 t.	56.78 ft.*				
Lot Area		12,000 s	q. ft.	11,026 sq. ft.*				
Density:								
Zone		1 du/3,000 sq. ft.		1 du/3,675 sq. ft.				
General Plan		1 du/2,178	3 sq. t.	Same as above				
Building Coverage	<u>:</u>							
Buildings		N/A		27% (2,963 sq. ft.)				
Paving		N/A		31% (3,469 sq. ft.)				
Open Space		40% (4,410 sq. ft.)		42% (4,594 sq. ft.)				
TOTAL		100%		100% (11,026 sq. ft.)				
Rear Yard Coverage:		25 % (284 sq. ft.) max.		10% (112 sq. ft.)				
Building Height:		2 stories/27 ft.		2-stories/ 25 ft. max.				
Ratio of 2 <sup>nd</sup> floor		80% recom	mended	Front Bldg. 75% (822 sq. ft./1,090 sq. ft.) <u>Rear Bldg.</u> 84% (1,612 sq. ft./1,922 sq. ft.)				
	e between buildings)							
Side (left/right		10 ft		71 ft.				
		5 ft./5		Front Bidg. 12 ft./4 ft. * Rear Bidg. 5 ft./5 ft.				
2 <sup>nd</sup> Floar Side (left/right)**		10 ft. average recommended		<u>Front Bldg.</u> 16.4 ft. avg./11.2 ft. avg. <u>Rear Bldg.</u> 10 ft./10 ft.				
Rear (1st floor/	2 <sup>nd</sup> floor)	10 ft./20	) ft.	17.6 ft./20 ft.				
Parking:								
Covered		3		5				
Open		6		4				
Guest		2		2				
TOTAL		11 Spa	ces	11 Spaces				
Driveway Width:		16 ft.		12 ft.***				
Parkway Landscar	oing:	10 ft. wide/ 3 ft. min. dimension		0 ft.****				
CEQA Status Exempt, Class 3								

Planning Commission

Final Action

<sup>\*</sup>Existing nonconforming.

\*\*Design Guidelines

\*\*\*Minor Modification requested

<sup>\* \* \* \*</sup> Variance requested

### **BACKGROUND/PROJECT DESCRIPTION**

The subject site is developed as a single-family residence with an attached single-car garage. The applicant is proposing to add a second floor to the residence, and construct a 2-story duplex with attached 4-car garage at the rear of the lot.

### **ANALYSIS**

### VARIANCE (LANDSCAPE PARKWAY)/MINOR MODIFICATION (DRIVEWAY WIDTH)

The existing residence has a 12 ft. left (north) and a nonconforming 4 ft. right (south), side setback. It is situated on a lot with nonconforming lot width and area (100 ft. wide and 12,000 sq. ft. required; 56 ft. wide and 11,026 sq. ft. existing). There is an existing 12 ft. wide driveway along the left (north) side leading to the back of the lot. Since the applicant proposes a new duplex on the property, the driveway will become a common driveway serving three units, triggering a landscaped parkway and new driveway width requirements.

The zoning code requires a 16 ft. width for driveways serving two or more units, and requires landscape parkways with a combined width of 10 ft. to be provided along the sides of common driveways. The applicant is requesting a minor modification to allow a 12 ft. wide driveway to serve these three units, and a variance to deviate from landscaping on either side of the driveway. Since the lot is only 56 ft. wide and the existing structure is set back 12 ft. from the left (north) side property line, the required 16 ft. wide driveway and 10 ft. of parkway landscaping cannot be provided without demolishing a portion of the residence.

The original intent of the driveway landscaping requirement was to provide visual relief for driveways serving multiple-family or common interest developments, where driveways are often longer (e.g., 300 ft. deep lots). The shorter depth of this lot (194 ft.), and the resultant shorter length of the driveway (106 ft.), reduces the visual impact the driveway will have. Also, it is an existing driveway and the view of the driveway from the street will not change as a result of the new duplex at the rear. The existing 12 ft. wide driveway will still provide adequate on-site circulation for 3 units.

### MINOR DESIGN REVIEW

Any two-story construction that results in 3 or more units on a property is subject to a design review, which requires Planning Commission consideration. This allows review of the structure's scale, site planning, landscaping, appearance, and any other applicable features relative to a compatible and attractive development.

The proposed construction meets or exceeds all residential development standards and the intent of the design guidelines. Although the rear structure has a second-to-first floor ratio of 84% (1,612 sq. ft./1,922 sq. ft.), it incorporates variable rooflines and multiple building planes to break up the elevations, and therefore provides visual relief.

Staff has conducted a field inspection of the property and is of the opinion that the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. There are several 2-story residences in the area so it would not appear out of place or obtrusive. Privacy impacts should be limited because the proposed second floor areas have greater side setbacks than required by code, or recommended by the design guidelines (5 ft. required; 10 ft. average recommended; 10 ft. – 16ft. average proposed). The second floor of the rear building is set back 20 ft. from the rear property line.

### **ALTERNATIVES**

If the variance and minor modification are denied, it would prevent additional units from being constructed at the rear of the existing structure since 10 ft. parkway landscaping would be required. An addition to the front unit could be constructed with approval of a design review.

If the variance/minor modification and design reviews are denied, neither portion of the proposed project would be allowed. The applicant could not submit substantially the same type of design for six months.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act.

### CONCLUSION

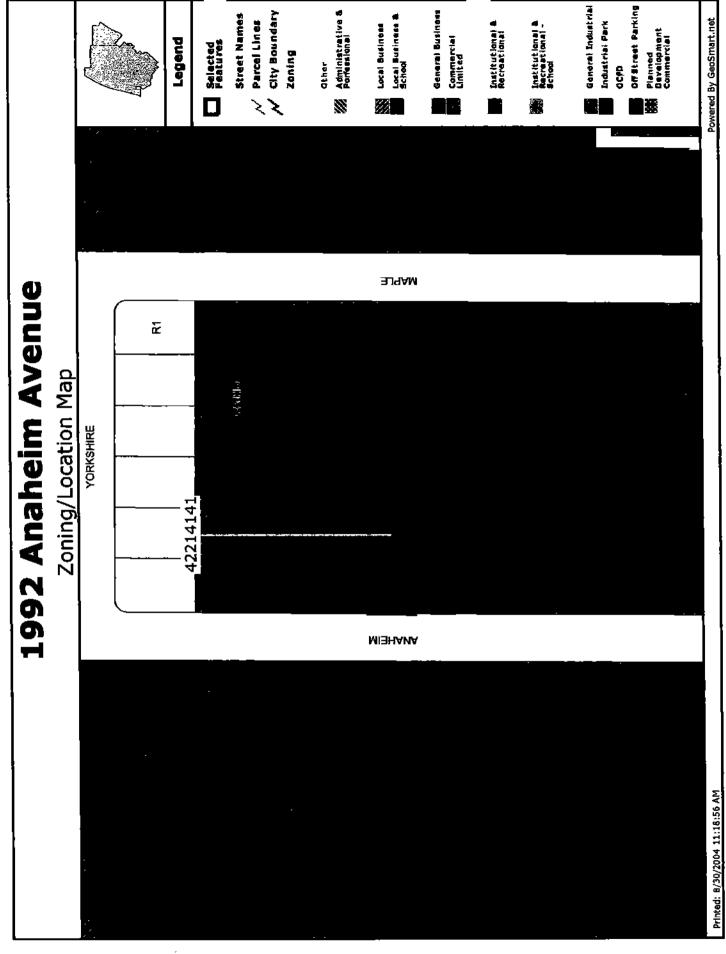
With exception of the requested variance and minor modification, the proposed construction satisfies all applicable code requirements and residential design guidelines. Architectural articulation is provided through a variety of roof and wall planes. The original intent of the landscaped parkway was to provide visual relief for developments where driveways are typically longer. Approval of the variance to eliminate driveway landscaping would not result in a negative visual impact since no change to the front half of the lot is proposed. Approval of the minor modification for a 12 ft. wide driveway will still provide adequate circulation and access for three units.

Attachments: Draft Planning Commission Resolution

Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Zoning/Location Map
Plans

cc: Deputy City Mgr.-Dev. Svs. Director
Acting City Attorney
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

LamTristan Nguyen 12461 Merrill Street Garden Grove, CA 92840



# 1992 Anaheim Ave.

Aerial Photograph



City Boundary

Street Names Parcel Lines

Legand

Ortho Photography Parcels

# LETTER OF EXPALNATION FOR EXTENDING MORE TIME TO COMPLETE PROJECT NO: PA-04-17

Date: August 30, 2005

To: Project Planner: WENDY SHIH (714) 754-5136

& Costa Mesa Planning Commissioners.

From: Tristan Nguyen (Applicant) & Owners of property.

Re: Extending the expire date for Project No: PA-04-17

1992 Anaheim Ave., Costa Mesa, CA

Dear Wendy Shih & Costa Mesa Planning Commissioners.

According to record, my project will expire on September 16, 2005; I would like to ask for your permit to extending more time so I can complete all necessary requirements permits for building this project.

The reasons for this extending as following:

- 1. I did not realized that I need to have a building permit before or on expire date, I though we need to submit a plan check before or on that date.
- 2. I had a seriously problem with my family, one of my sons had pass away & my wife was born a baby as premature; so I must be taking care of my wife and trying to keep my family moving forward as many ways as I can; Therefore I am getting behind all of my projects; one of my projects is this one.

However, I am trying to move this project as fast as I can; I did submit for Grading plan and next two weeks I will submit my building set along with soil report for plan check; I am just letting you known that I am working and trying move along; but the times is not permitted; therefore I am asking you for help to extending more time so I can completed and getting all building permits.

According to record from approval last time, the design will remained unchanged along with Planning commission Resolution and I hope you understand that and let me have one more chance.

Thank you very much for your cooperation.

Sincerely.

Tristan Nguyen

Designer

# & PROPOSAL NEW 2 REAR UNITS 2- STORY (2 BEDROOMS REMODELING FRONT UNIT TO BE 2-STORY (3 BEDROOMS) W/ 2-CAR GARAGE)

# 1992 ANAHEIM AVE., CITY OF COSTA MESA, CA OWNER NGUYEN & DUONG GENERAL PARTNERSHIP PROJECT SITE.

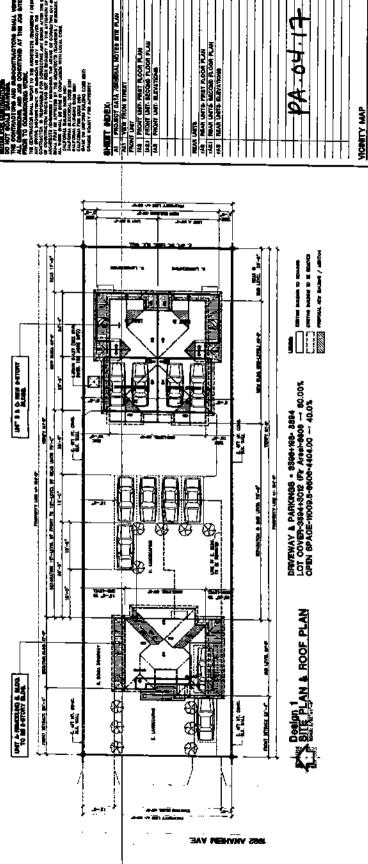
MARIA DE PRINCIPO ALL CON LOT AMENAGRADO DE LA CONTRA EN CONTRA EN

LOT SEED DESCRIPTION TO

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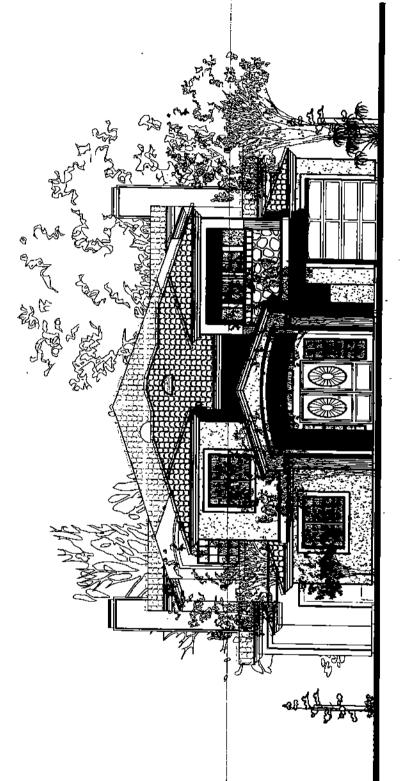
LEGAL DESCRIPTION. LOT 12 IN BLOCK F OF TRACT No. 1480, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIF, AS PER MAP RECORDED IN BOOK 46, PAGE 15, INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

4.000 C. - 45 PE OR



ROJECT DATA, SETCH LATER SETCH L ROOM & NO.





ELEVATION VIEW FROM STREET - ( COMBINED FRONT & REAR UNITS)

